

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MARISOL BELTRAN,

Plaintiff,

v.

**Civil Action 2:24-cv-3238
Judge Algenon L. Marbley
Magistrate Judge Chelsey M. Vascura**

DIRECT RECONDITIONING, LLC, *et al.*,

Defendants.

REPORT AND RECOMMENDATION

Plaintiff's Complaint (ECF No. 3), which was filed in state court on May 15 2024 and was removed to this Court on June 17, 2024, asserts claims against, among others, AAG-OHIO, LLC d/b/a Columbus Fair Auto Auction ("AAG-OHIO"). On September 17, 2024, because the docket did not reflect that Plaintiff had effected service of process over AAG-OHIO as required by Federal Rule of Civil Procedure 4(m), the Court issued an order for Plaintiff to show cause within fourteen days why the Court should not dismiss this action as to AAG-OHIO without prejudice for failure to effect service, and why the Court should allow an extension of time to effect service.

To date, Plaintiff has not responded to the Show Cause Order or effected service of process over AAG-OHIO. It is therefore **RECOMMENDED** that Plaintiff's claims against OHIO-AAG be dismissed without prejudice pursuant to Rule 4(m) for failure to timely effect service of process.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A District Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a District Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE